

LAW OFFICES

NIKOLAI, MERSEREAU & DIETZ, P.A.

THOMAS J. NIKOLAI
JAMES T. NIKOLAI
CHARLES G. MERSEREAU
PAUL T. DIETZ

International Centre
900 Second Avenue South, Suite 820
Minneapolis, Minnesota 55402-3813
Telephone (612) 339-7461
Facsimile (612) 349-6556

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UNFAIR COMPETITION

STEVEN E. KAHM
KIMBERLY S. ZILLIG

December 16, 1999

Our Case Docket No. 990326.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

The Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Enclosed herewith for filing is the patent application of inventor(s), DAVID BURTON, for "BIO-MASK" together with the following:

- (1) One copy of four (4) sheets of patent drawings;
- (2) The Declaration, Power of Attorney and Petition executed by the inventor;
- (3) One executed Verified Statement Claiming Small Entity Status - Small Business Concern
- (4) An Information Disclosure Statement Under Rule 1.56, Form PTO-1449 and references cited;
- (5) An Assignment to COMPUMEDICS HOLDINGS PTY LTD executed by the inventor;
- (6) The filing and recording fees are calculated as follows:

Basic filing fee	\$ 380.00
Total number of claims in excess	
of 20, times \$9.00	\$ 0
Number of independent claims,	
minus 3, times \$39.00	\$ 0
Surcharge fee (\$130.00) for filing of	
multiple dependent claim(s) . . .	\$ 0
Recording fee for assignment	<u>\$ 40.00</u>
Total	\$ 420.00

A check in the amount of \$420.00 is enclosed to cover the filing and recording fees thereon.

The Commissioner is authorized to charge any fees or refund any overpayment under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

Yours very truly,

NIKOLAI, MERSEREAU & DIETZ, P.A.



Steven E. Kahm

SEK/ac1
Encs.

12/16/99
JCS25 U.S. PTO

JCS11 U.S. PTO
09/465054
12/16/99

09465054-12/16/99

PATENT APPLICATION

ATTORNEY DOCKET NO. 990288.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : DAVID BURTON, ET AL.

For : RESPIRATORY INDUCTIVE PLETHYSMOGRAPHY BAND
TRANSDUCER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- () owner of the small business concern identified below:
(X) an official of the small business concern empowered to
act on behalf of the concern identified below:

COMPUMEDICS SLEEP PTY LTD
A Corporation of Australia
1 Marine Parade
Abbotsford, VIC 3067
Australia
A Small Business Concern.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled "RESPIRATORY INDUCTIVE PLETHYSMOGRAPHY BAND TRANSDUCER" by inventors, DAVID BURTON and JIAN HONG TAN, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having

rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9 if that person made the invention or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME

ADDRESS

() Individual () Small Business () Nonprofit Organization

NAME

ADDRESS

() Individual () Small Business () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of th application, any patent issuing thereon, or any patent to which this Verified Statement is directed.

NAME OF PERSON SIGNING: David Burton

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING :62 Broadway, Camberwell, VIC 3124, Australia

SIGNATURE



DATE

1/7/99
July 1, 1999

, 1999.

Express Mail No. EL395572273US

PATENT APPLICATION

Docket No. 990326.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : DAVID BURTON : December 16, 1999

For : BIO-MASK

CERTIFICATE OF MAILING VIA EXPRESS MAIL

BOX PATENT APPLICATIONS
Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

I hereby certify that the attached patent application consisting of 13 pages of specification, 7 pages of claims, abstract, one copy of four (4) sheets of patent drawings, 2 pages of an executed Declaration, Power of Attorney, and Petition, 2 pages of an executed Verified Statement Claiming Small Entity Status - Small Business Concern, 2 pages of an executed Assignment, a Recordation Form Cover Sheet, an Information Disclosure Statement Under Rule 1.56 (3pgs.), Form PTO-1449 and 68 pages of references cited, a transmittal cover letter, and Check No. 43056 in the amount of \$420.00 in payment of the filing and recording fees, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to: BOX PATENT APPLICATIONS, Commissioner of Patents and Trademarks, Washington, D.C. 20231, under Express Mail Post Office to Addressee Label No. EL395572273US.

Respectfully submitted,

NIKOLAI, MERSEREAU & DIETZ, P.A.

Anna C. Lemke

Anna C. Lemke

On Behalf of Steven E. Kahm

Attorney for Applicant

900 Second Avenue South, #820

Minneapolis, MN 55402

(612) 339-7461

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